

106TH CONGRESS
1ST SESSION

S. 1546

To amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 1999

Mr. NICKLES (for himself, Mr. LIEBERMAN, and Mr. HAGEL) introduced the following bill; which was read twice, considered, and read the third time

A BILL

To amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. ADMINISTRATIVE AUTHORITIES OF THE**
2 **UNITED STATES COMMISSION ON INTER-**
3 **NATIONAL RELIGIOUS FREEDOM.**

4 (a) ESTABLISHMENT AND COMPOSITION.—Section
5 201 of the International Religious Freedom Act of 1998
6 (22 U.S.C. 6401 et seq.) is amended—

7 (1) in subsection (c)—

8 (A) by striking “The” and inserting “(1)
9 IN GENERAL.—The”;

10 (2) by inserting after the first sentence the fol-
11 lowing new sentences: “The term of each member of
12 the Commission appointed to the first two-year term
13 of the Commission shall be considered to have begun
14 on May 15, 1999, and shall end on May 14, 2001,
15 regardless of the date of appointment to the Com-
16 mission. The term of each member of the Commis-
17 sion appointed to the second two-year term of the
18 Commission shall begin on May 15, 2001, and shall
19 end on May 14, 2003, regardless of the date of ap-
20 pointment to the Commission. In the case in which
21 a vacancy in the membership of the Commission is
22 filled during a two-year term of the Commission,
23 such membership on the Commission shall terminate
24 at the end of that two-year term of the Commis-
25 sion.”; and

1 (3) by amending subsection (h) to read as fol-
2 lows:

3 “(h) ADMINISTRATIVE SUPPORT.—The Adminis-
4 trator of General Services shall provide to the Commission
5 on a reimbursable basis (or, in the discretion of the Ad-
6 ministrator, on a non-reimbursable basis) such adminis-
7 trative support services as the Commission may request
8 to carry out the provisions of this title.”.

9 (b) POWERS OF THE COMMISSION.—The Inter-
10 national Religious Freedom Act of 1998 (22 U.S.C. 6401
11 et seq.) is amended—

12 (1) by striking section 202(f);

13 (2) by redesignating sections 203, 204, 205,
14 and 206 as sections 205, 206, 207, and 209, respec-
15 tively;

16 (3) by inserting after section 202 the following:

17 **“SEC. 203. POWERS OF THE COMMISSION.**

18 “(a) HEARINGS AND SESSIONS.—The Commission
19 may, for the purpose of carrying out its duties under this
20 title, hold hearings, sit and act at times and places in the
21 United States, take testimony and receive evidence as the
22 Commission considers advisable to carry out the purposes
23 of this Act.

24 “(b) INFORMATION FROM FEDERAL AGENCIES.—
25 The Commission may secure directly from any Federal de-

1 department or agency such information as the Commission
2 considers necessary to carry out the provisions of this sec-
3 tion. Upon request of the Chairperson of the Commission,
4 the head of such department or agency shall furnish such
5 information to the Commission, subject to applicable law.

6 “(c) POSTAL SERVICES.—The Commission may use
7 the United States mails in the same manner and under
8 the same conditions as other departments and agencies of
9 the Federal Government.

10 “(d) ADMINISTRATIVE PROCEDURES.—The Commis-
11 sion may adopt such rules and regulations, relating to ad-
12 ministrative procedure, as may be reasonably necessary to
13 enable it to carry out the provisions of this title.

14 “(e) VIEWS OF THE COMMISSION.—The Members of
15 the Commission may speak in their capacity as private
16 citizens. Statements on behalf of the Commission shall be
17 issued in writing over the names of the Members. The
18 Commission shall in its written statements clearly describe
19 its statutory authority, distinguishing that authority from
20 that of appointed or elected officials of the United States
21 Government. Oral statements, where practicable, shall in-
22 clude a similar description.

23 “(f) TRAVEL.—The Members of the Commission
24 may, with the approval of the Commission, conduct such
25 travel as is necessary to carry out the purpose of this title.

1 Each trip must be approved by a majority of the Commis-
2 sion. This provision shall not apply to the Ambassador-
3 at-Large, whose travel shall not require approval by the
4 Commission.

5 **“SEC. 204. COMMISSION PERSONNEL MATTERS.**

6 “(a) IN GENERAL.—The Commission may, without
7 regard to the civil service laws and regulations, appoint
8 and terminate an Executive Director and such other addi-
9 tional personnel as may be necessary to enable the Com-
10 mission to perform its duties. The decision to employ or
11 terminate an Executive Director shall be made by an af-
12 firmative vote of at least six of the nine members of the
13 Commission.

14 “(b) COMPENSATION.—The Commission may fix the
15 compensation of the Executive Director and other per-
16 sonnel without regard to the provisions of chapter 51 and
17 subchapter III of chapter 53 of title 5, United States
18 Code, relating to classification of positions and General
19 Schedule pay rates, except that the rate of pay for the
20 Executive Director and other personnel may not exceed
21 the rate payable for level V of the Executive Schedule
22 under section 5316 of such title.

23 “(c) PROFESSIONAL STAFF.—The Commission and
24 the Executive Director shall hire Commission staff on the
25 basis of professional and nonpartisan qualifications. Com-

1 missioners may not individually hire staff of the Commis-
2 sion. Staff shall serve the Commission as a whole and may
3 not be assigned to the particular service of a single Com-
4 missioner or a specified group of Commissioners. This
5 subsection does not prohibit staff personnel from assisting
6 individual members of the Commission with particular
7 needs related to their duties.

8 “(d) STAFF AND SERVICES OF OTHER FEDERAL
9 AGENCIES.—

10 “(1) DEPARTMENT OF STATE.—The Secretary
11 of State shall assist the Commission by providing on
12 a reimbursable or non-reimbursable basis to the
13 Commission such staff and administrative services
14 as may be necessary and appropriate to perform its
15 functions.

16 “(2) OTHER FEDERAL AGENCIES.—Upon the
17 request of the Commission, the head of any Federal
18 department or agency may detail, on a reimbursable
19 or non-reimbursable basis, any of the personnel of
20 that department or agency to the Commission to as-
21 sist it in carrying out its functions under this title.
22 The detail of any such personnel shall be without
23 interruption or loss of civil service or Foreign Serv-
24 ice status or privilege.

1 “(e)(1) SECURITY CLEARANCES.—The Executive Di-
2 rector shall be required to obtain a security clearance. The
3 Executive Director may request, on a needs-only basis and
4 in order to perform the duties of the Commission, that
5 other personnel of the Commission be required to obtain
6 a security clearance. The level of clearance shall be the
7 lowest necessary to appropriately perform the duties of the
8 Commission.

9 “(2) COST.—The Commission shall reimburse all ap-
10 propriate Government agencies for the cost of obtaining
11 clearances for members of the Commission, for the Execu-
12 tive Director, and for any other personnel.”;

13 (4) in section 207(a) (as redesignated by this
14 Act), by striking all that follows “3,000,000” and
15 inserting “to carry out the provisions of this title.”;
16 and

17 (5) by inserting after section 207 (as redesign-
18 nated) the following:

19 **“SEC. 208. STANDARDS OF CONDUCT AND DISCLOSURE.**

20 “(a) COOPERATION WITH NONGOVERNMENTAL OR-
21 GANIZATIONS, THE DEPARTMENT OF STATE, AND CON-
22 GRESS.—The Commission shall seek to effectively and
23 freely cooperate with all entities engaged in the promotion
24 of religious freedom abroad, governmental and nongovern-

1 mental, in the performance of the Commission's duties
2 under this title.

3 “(b) CONFLICT OF INTEREST AND ANTINEPOTISM.—

4 “(1) MEMBER AFFILIATIONS.—Except as pro-
5 vided in paragraph (3), in order to ensure the inde-
6 pendence and integrity of the Commission, the Com-
7 mission may not compensate any nongovernmental
8 agency, project, or person related to or affiliated
9 with any member of the Commission, whether in
10 that member's direct employ or not. Staff employed
11 by the Commission may not serve in the employ of
12 any nongovernmental agency, project, or person re-
13 lated to or affiliated with any member of the Commis-
14 sion while employed by the Commission.

15 “(2) STAFF COMPENSATION.—Staff of the
16 Commission may not receive compensation from any
17 other source for work performed in carrying out the
18 duties of the Commission while employed by the
19 Commission.

20 “(3) EXCEPTION.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graph (B), paragraph (1) shall not apply to
23 payments made for items such as conference
24 fees or the purchase of periodicals or other
25 similar expenses, if such payments would not

1 cause the aggregate value paid to any agency,
2 project, or person for a fiscal year to exceed
3 \$250.

4 “(B) LIMITATION.—Notwithstanding sub-
5 paragraph (A), the Commission shall not give
6 special preference to any agency, project, or
7 person related to or affiliated with any member
8 of the Commission.

9 “(4) DEFINITIONS.—In this subsection, the
10 term “affiliated” means the relationship between a
11 member of the Commission and—

12 “(A) an individual who holds the position
13 of officer, trustee, partner, director, or em-
14 ployee of an agency, project, or person of which
15 that member, or relative of that member of, the
16 Commission is an officer, trustee, partner, di-
17 rector, or employee; or

18 “(B) a nongovernmental agency or project
19 of which that member, or a relative of that
20 member, of the Commission is an officer, trust-
21 ee, partner, director, or employee.

22 “(c) CONTRACT AUTHORITY.—

23 “(1) IN GENERAL.—Subject to the availability
24 of appropriations, the Commission may contract
25 with and compensate government agencies or per-

1 sons for the conduct of activities necessary to the
2 discharge of its functions under this title. Any such
3 person shall be hired without interruption or loss of
4 civil service or Foreign Service status or privilege.
5 The Commission may not procure temporary and
6 intermittent services under section 3109(b) of title
7 5, United States Code, or under other contracting
8 authority other than that allowed under this title.

9 “(2) EXPERT STUDY.—In the case of a study
10 requested under section 605 of this Act, the Com-
11 mission may, subject to the availability of appropria-
12 tions, contract with experts and shall provide the
13 funds for such a study. The Commission shall not be
14 required to provide the funds for that part of the
15 study conducted by the Comptroller General of the
16 United States.

17 “(d) GIFTS.—

18 “(1) IN GENERAL.—In order to preserve its
19 independence, the Commission may not accept, use,
20 or dispose of gifts or donations of services or prop-
21 erty. An individual Commissioner or employee of the
22 Commission may not, in his or her capacity as a
23 Commissioner or employee, knowingly accept, use or
24 dispose of gifts or donations of services or property,
25 unless he or she in good faith believes such gifts or

1 donations to have a value of less than \$50 and a cu-
2 mulative value during a calendar year of less than
3 \$100.

4 “(2) EXCEPTIONS.—This subsection shall not
5 apply to the following:

6 “(A) Gifts provided on the basis of a per-
7 sonal friendship with a Commissioner or em-
8 ployee, unless the Commissioner or employee
9 has reason to believe that the gift was provided
10 because of the Commissioner’s position and not
11 because of the personal friendship.

12 “(B) Gifts provided on the basis of a fam-
13 ily relationship.

14 “(C) The acceptance of training, invita-
15 tions to attend or participate in conferences or
16 such other events as are related to the conduct
17 of the duties of the Commission, or food or re-
18 freshment associated with such activities.

19 “(D) Items of nominal value or gifts of es-
20 timated value of \$10 or less.

21 “(E) De minimis gifts provided by a for-
22 eign leader or state, not exceeding a value of
23 \$260. Gifts believed by Commissioners to be in
24 excess of \$260, but which would create offense
25 or embarrassment to the United States Govern-

1 ment if refused, shall be accepted and turned
2 over to the United States Government in ac-
3 cordance with the Foreign Gifts and Decora-
4 tions Act of 1966 and the rules and regulations
5 governing such gifts provided to Members of
6 Congress.

7 “(F) Informational materials such as docu-
8 ments, books, videotapes, periodicals, or other
9 forms of communications.

10 “(G) Goods or services provides by any
11 agency or component of the Government of the
12 United States, including any commission estab-
13 lished under the authority of such Government.

14 “(e) ANNUAL FINANCIAL REPORT.—In addition to
15 providing the reports required under section 202, the
16 Commission shall provide, each year no later than January
17 1, to the Committees on International Relations and Ap-
18 propriations of the House of Representatives, and to the
19 Committees on Foreign Relations and Appropriations of
20 the Senate, a financial report detailing and identifying its
21 expenditures for the preceding fiscal year.”.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
23 209 of the International Religious Freedom Act of 1998
24 (22 U.S.C. 6436) (as redesignated) is amended by striking

1 “4 years after the initial appointment of all the Commis-
2 sioners” and inserting “on May 14, 2003.”.

3 **SEC. 2. TECHNICAL CORRECTIONS.**

4 (a) **PRESIDENTIAL ACTIONS.**—Section 402(c) of the
5 International Religious Freedom Act of 1998 (22 U.S.C.
6 6442(c)) is amended—

7 (1) in paragraph (1), in the text above subpara-
8 graph (A), by striking “and (4)” and inserting “(4),
9 and (5)”; and

10 (2) in paragraph (4)—

11 (A) by inserting “UNDER THIS ACT” after
12 “EXCEPTION FOR ONGOING PRESIDENTIAL AC-
13 TION”;

14 (B) by inserting “and” at the end of sub-
15 paragraph (B);

16 (C) by striking at the end of subparagraph
17 (C) “; and” and inserting a period; and

18 (D) in subparagraph (D), by striking “(D)
19 at” and inserting “(5) EXCEPTION FOR ONGO-
20 ING, MULTIPLE, BROAD-BASED SANCTIONS IN
21 RESPONSE TO HUMAN RIGHTS VIOLATIONS.—
22 At”.

23 (b) **CLERICAL CORRECTION.**—Section
24 201(b)(1)(B)(iii) of the International Religious Freedom

- 1 Act of 1998 (22 U.S.C. 6431(b)(1)(B)(iii)) is amended by
- 2 striking “three” and inserting “Three”.

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